IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

WP(C).No. 8010 of 2007(S)

PETITIONER:

SUDHEESH KUMAR,
S/O.NARAYANAN NAIR, KUNNATHU HOUSE,
MALAYALAPUZHA, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.C.S.MANILAL

RESPONDENTS:

1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
LOCAL ADMINISTRATION DEPARTMENT,
SECRETARIAT, TRIVANDRUM.

2. THE CHAIRMAN (CHIEF MINISTER),
GOSHREE ISLAND DEVELOPMENT AUTHORITY,
SECRETARIAT, THIRUVANANTHAPURAM.

3. THE GOSHREE ISLAN DEVELOPMENT AUTHORITY,
REPRESENTED BY THE SECRETARY, PARK AVENUE, COCHIN.

4. THE SECRETARY,
GOSHREE ISLANDS DEVELOPMENT AUTHORITY,
PARK AVENUE, COCHIN.

5. M/S.PRESTIGE ESTATE PROJECTS (P) LTD.,
THE FALCON HOUSE, NO.1, MAIN GUARD CROSS ROAD,
BANGALORE- 560001.

SENIOR GOVERNMENT PLEADER SRI.M.R.SABU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/06/2007, ALONG WITH WPC NO. 8026 OF 2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN,J.

W.P.(C). Nos.8010 & 8026 OF 2007

Dated this the 11th June, 2007

JUDGMENT

H.L.DATTU, C.J.

The reliefs sought for by the petitioner in W.P.(C)No.8010 of 2007 are the following. They are as under:

> "(i) issue a writ of certiorari or any other appropriate writ, order or direction calling for the records leading to the granting of bid to the 5th respondent and quash Ext.P3 and P6 to the extent it relates to the 5th respondent.
>
> (ii) issue a writ of mandamus or any other appropriate writ order or direction, directing the 1st respondent to conduct a detailed enquiry at the Govt. level in respect of the granting of contract to the 5th respondent and the circumstances under which his bid was accepted and to take appropriate departmental action against those officials who are responsible for the lapses in relation to the granting of the bid in favour of the 5th respondent.
>
> (iii) to issue a writ of mandamus or any other appropriate writ order or direction directing the 1st respondent to institute a vigilance enquiry in respect of the circumstances under which the 5th respondent was granted with the bid in violation of the norms and procedures."

2. The reliefs sought for by the petitioners in W.P.(C) No.8026 of 2007 are the following. They are as under:

> "(i) issue a writ of mandamus or any other appropriate writ order or direction directing the Government to conduct a departmental enquiry in respect of the auction and bidding of properties as per Ext.P2 tendered at very low price per cent resulted in huge loss of crores of rupees to the public exchequer.
>
> (ii) issue appropriate writ order or direction directing the 2nd respondent to consider Ext.P5 and issue appropriate direction to hold and conduct an enquiry.
>
> (iii) issue appropriate writ order or direction directing and commanding the respondent Nos.1 and 3 not to execute any deed of Registration in respect of plots the requisition of which were not already over or completed until the enquiry by the Government is over.
>
> (iv) issue a writ of mandamus or any other appropriate writ order or direction directing the 1st respondent to re-auction plot No.D3, D4 and D5 in Ext.P2 by public auction."

3. In our view, if, for any reason, the first respondent has granted a contract to the fifth respondent in W.P.(C) No.8010 of 2007 ignoring the other tenderors, the aggrieved persons will definitely come before this Court by filing appropriate petition. The petitioners need not have to plea for those tenderors whose tenders have not been accepted.

4. We are of the firm opinion that the petitions filed by the petitioners do not have the characteristics of a public interest litigation.

Therefore, entertaining of these writ petitions are not called for. Accordingly, these writ petitions require to be rejected and are rejected.

Ordered accordingly.

(H.L.DATTU)
Chief Justice

(K.T.SANKARAN)
Judge

ahz/